

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Thursday, January 22, 2009

Time: 8:30 am

Place: Capitol

Room: 172

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 211, HB 234

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 188 (DPAA) _____

HB 189 (Tie) _____

HB 143 (P) _____

COMMENTS:



REP. Bill Wilson, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: 1/22/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Michele Reinhart	X	
Rep. Bill Beck	X	
Rep. Elsie Arntzen	X	
Rep. Shannon Augare	X	
Rep. Paul Beck	X	
Rep. Tom Berry	X	
Rep. Carlie Boland	X	
Rep. John Fleming	X	
Rep. Timothy Furey	X	
Rep. Chuck Hunter	X	
Rep. Harry Klock	X	
Rep. Mike Milburn	X	
Rep. Pat Noonan	X	
Rep. Scott Reichner	X	
Rep. Cary Smith	X	
Rep. Gordon Vance	X	
Rep. Jeffery Welborn	X	
Rep. Bill Wilson	X	



HOUSE STANDING COMMITTEE REPORT

January 22, 2009

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Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 188** (first reading copy – white) **do pass as amended.**

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

And, that such amendments read:

1. Title, line 5.
Following: "TENANT"
Strike: "TREBLE"
Insert: "DOUBLE"

2. Title, line 6.
Following: "UP TO"
Strike: "3"
Insert: "2"

3. Page 1, line 15.
Following: "exceed"
Strike: "three"
Insert: "two"

4. Page 1, line 16.
Following: "up to"
Strike: "3"
Insert: "2"

- END -

Committee Vote:

Yes 14, No 4

Fiscal Note Required ☐

HB0188001SC.hjd



HOUSE STANDING COMMITTEE REPORT

January 22, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 143** (first reading copy – white) **do pass**.

Signed: _____

Bill Wilson
Representative Bill Wilson, Chair

- END -

Committee Vote:

Yes 10, No 8

Fiscal Note Required ☐

HB0143001SC.hjd

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 1/22 ^{HB} BILL NO 188 MOTION NO. _____
MOTION: _____

Do Pass as Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	X		
Rep. Bill Beck		X	
Rep. Elsie Arntzen	X		
Rep. Shannon Augare	X		
Rep. Paul Beck	X		
Rep. Tom Berry	X		
Rep. Carlie Boland	X		
Rep. John Fleming	X		
Rep. Timothy Furey	X		X
Rep. Chuck Hunter	X		
Rep. Harry Klock	X		
Rep. Mike Milburn		X	X
Rep. Pat Noonan	X		
Rep. Scott Reichner	X		
Rep. Cary Smith	X		
Rep. Gordon Vance		X	
Rep. Jeffery Welborn		X	
Rep. Bill Wilson	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 1/22/08 BILL NO HB 143 MOTION NO. _____
 MOTION: _____

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhart	X		
Rep. Bill Beck		X	
Rep. Elsie Arntzen		X	
Rep. Shannon Augare	X		
Rep. Paul Beck	X		
Rep. Tom Berry		X	X
Rep. Carlie Boland	X		
Rep. John Fleming	X		
Rep. Timothy Furey	X		X
Rep. Chuck Hunter	X		
Rep. Harry Klock		X	
Rep. Mike Milburn		X	X
Rep. Pat Noonan	X		
Rep. Scott Reichner		X	X
Rep. Cary Smith		X	
Rep. Gordon Vance		X	
Rep. Jeffery Welborn	X		
Rep. Bill Wilson	X		

Tie

HOUSE OF REPRESENTATIVES
Roll Call Vote
BUSINESS AND LABOR COMMITTEE

DATE 1/22/09 BILL NO 189 MOTION NO. _____
 MOTION: _____

Do Pass as amended twice

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Michele Reinhardt	X		
Rep. Bill Beck		X	
Rep. Elsie Arntzen		X	
Rep. Shannon Augare	X		
Rep. Paul Beck	X		
Rep. Tom Berry		X	X
Rep. Carlie Boland	X		
Rep. John Fleming	X		
Rep. Timothy Furey	X		X
Rep. Chuck Hunter	X		
Rep. Harry Klock		X	
Rep. Mike Milburn		X	X
Rep. Pat Noonan	X		
Rep. Scott Reichner		X	
Rep. Cary Smith		X	
Rep. Gordon Vance		X	
Rep. Jeffery Welborn		X	
Rep. Bill Wilson	X		

AUTHORIZED COMMITTEE PROXY

I request to be excused from the

Business & Labor

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Bill Seal

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

HB 188 Amendment	✓	
Bill HB-188		✓
HB-189 Amendment	✓	
HB-189		
HB-189 Amendment	✓	
HB-189		✓
HB-143		✓

Rep.



(Signature)

Date

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Business

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Bill Burt

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

HB 189 Amendment 4	/	
Amendment A	/	
HB-189		✓
HB-143		✓

Rep. Tom Berry
TOM BERRY (Signature)

Date _____

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Bureau + Labor

Committee because of other commitments. I desire to leave my proxy vote with:
Rep. Bill Burt

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE


NO

HB 143		✓

BILL/AMENDMENT

AYE

NO

Rep. 
(Signature)

Date _____

SCOTT B

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Business & Labor Committee

Committee because of other commitments. I desire to leave my proxy vote with:

VICE CHAIR REINHART

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 188	X	
HB 189	X	
HB 193	X	

BILL/AMENDMENT

AYE NO

Rep.

Timothy J. Ferry
(Signature)

Date

1/22/09

**HOUSE OF REPRESENTATIVES
Business and Labor Committee**

WITNESS STATEMENT

PLEASE PRINT

NAME Gene Betz BILL NO H6234

ADDRESS 50 Prospect Dr
Great Falls 59405 DATE 1-22-09

WHOM DO YOU REPRESENT? Vintage Sellers

SUPPORT: X OPPOSE AMEND X

COMMENTS:

Would like to see frequency raised to at least
24 times per year.
Would like see tastings allowed off premise to
allow for a more formal setting - more educational.

H B 188

Information provided by Bill Sponsor Deb Kottel

Treble damages are currently authorized in 4 sections of the Montana Residential Landlord Tenant Act.

70-24-403 authorizes "an amount up to 3 months' periodic rent" if a landlord knowingly structures a rental agreement to include a provision that is specifically prohibited by Montana law, or waives the rights of the tenant.

70-24-429 allows the landlord to recover treble damages from the tenant for purposeful "holdover". Meaning the tenants right to occupy the premises has expired and the tenant is unlawfully remaining in possession and refusing the vacate. Unlike our bill which includes the questionable "whichever is less language, this section of the code authorizes either "3 months' periodic rent or treble damages, whichever is greater".

70-24-411 provides the counter balance to 429, by authorizing treble damages for unlawful eviction of the tenant. Again the code includes the language "whichever is greater."

70-24-431 prohibits retaliatory conduct by the landlord, and authorizes damages provided in 70-24-411.

January 21st 2009

To: House Business and Labor Committee members
From: Denver Henderson, Off Campus Renter Center, ASUM

Dear Mr. Chairman and members of the committee,

I am writing to you on behalf of ASUM and our coalition partners to offer some final thoughts on the landlord tenant bills that you heard testimony on last Thursday, Jan 15th. Please consider these opinions as you make your decision.

According to the US Census Bureau in 2000 there were 246,172 renters in the state of Montana. The 2007 American Community Survey estimates that out of the 371,954 occupied housing units nearly 113,000, or 30 percent, of those units are rentals. Renter's comprise a quarter of the state's population and a third of the housing stock. Yet there is no statewide organization that specifically advocates on their interest, nor do they have a lobbyist in Helena that works on their behalf. In lieu of such a presence we have assembled a coalition of organizations whose members are indirectly impacted by the code we seek to change. Those groups include amongst others AARP Montana, Montana Women Vote Coalition, and the Montana Association of Students.

Primarily I would like to speak to the amendments prepared by the sponsor for HB 189. Over the past month and a half I have worked with members of the property management community to produce the compromised language included in the amendments. Most notably we have agreed to strike the current language regarding extension of the lease and put that into a separate bill that likely will come before this committee later in the session. This is an issue that deserves discussion and debate, however it should not threaten the passage of HB 189. I believe we can reach an agreement with the property managers on the contested part of this bill, and will work diligently to find a compromise that satisfies the primary concerns of both parties. The amendments to the other parts of the bill were made at the suggestion of realtors and property managers in the Missoula area. They preserve the spirit and further clarify the intent of the bill.

Since October of 2008 I have been working with a wide variety of stakeholder groups and organizations. I have tried to initiate conversations with 33 separate organizations that lobbied in the previous session and may have an indirect interest in this legislation. These groups included both the Montana Association of Realtors and the Montana Landlord Association. In an effort of good faith I approached the Missoula Organization of Realtors and the western Montana chapter of NARPM and have spoke with those groups about the content of the legislation. On several occasions I have met with individual landlords, property managers, and realtors to seek their input and hear their concerns. Finally, earlier this month I worked with members of MOR and NARPM to produce the compromise language included in the amendments. We continue to be open to compromise and welcome input from stakeholders in the business community.

If you have further questions or concerns please do not hesitate to contact me. Thank you for your time and consideration and I look forward to hearing the outcome of your committee's decision.

Sincerely,

Denver Henderson, Director
ASUM Off-Campus Renter Center
University of Montana
(406) 243-2017
Denver.henderson@mso.umt.edu

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 1/22/09

Bill No. HB 211 Sponsor(s) Rep Welborn

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Brian Alexander	C-Store Assoc	X		
Brad Griffin	MT Retail Assoc	X		
Roy Morris	RD'S TRUCK STOP	X		
Cheryl Warburton	Teton Pump	X		
Jack Hook Butte	Sutey Oil	X		
C Robert Miller	Bear Claw Bar & Grill	X		
Neil Petersson	Canning Industry Ass.	X		
Cheryl Fink	George's Dining	X		X
Billie Shepard	Pan Handler	X		
Rn's Minard	Self		X	
Vicki Turner	tee/dphhs/PAC		X	
Trena Macdonald	Sandy Mair Dist.			X
Debbie Endre	The Gourmet Cellar	X		
Karen Hamilton	George's Dist.	X		
Tony Herbert	Montana Brewers	X		
Mark [unclear]	Montana Tavern Association	X		
Janet Prescott	Park County Tavern	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

BUSINESS AND LABOR COMMITTEE

Date 1/22/09

Bill No. HB 234 Sponsor(s) Rep. Ebinger

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PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Gene Betz Great Falls	Vintage Sellers	X		
Barbara MacIntyre Billings	Billings Chamber	X		
Maria Jameson	Wine Dist.	X		
Kris Myrland	self		X	
Vicki Turner	ICE/DPHHS/PRC		X	
Debbie Endres	The Gourmet Cellar	X		
Butt & Co. Inc.	Logan	X		
Dan Gorman	self	X		
Billie Shepard	Panhandle	X		
Karin Hamlin	George's Dist.	X		
Chelsey Hall	George's Dist.	X		
Lisa Kerby	self		X	
CRobert Miller	Bear Claw Park Grill		X	
Janet Prescott	TRC Office/Park Learning TRC		X	
Ralph A. Ferraro	Rocking Horse Bar		X	
MARK SCOPLES	MONTANA GARDEN ASSOC.		X	
Trevor MacIntyre	Sandy Mac's Distribution			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.